

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically sent May 1, 2008. Claims 1, 2 and 4-6, and 8-36 are pending in the application and were rejected in the Office Action. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Section 112 Rejections

The Examiner rejects Claims 1, 8, 14, 19, 29, and 32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of which applicant regards as the invention.

With respect to Claims 1, 8 and 32, these claims have been amended to address the Examiner's concerns. Furthermore, Claims 19 and 29 are canceled in the present Response. Finally, with respect to Claim 14, Applicants respectfully submit that a "ticker-type display" means a display that is a ticker. For example, stock tickers are a well-known example of a "ticker-type display." As noted in Claim 14, a "ticker-type display" includes scrolling information, as is common in a stock ticker, for example. There appears to have been a formatting problem in Claim 14 such that the phrase "wherein said display scrolls" was separated from the phrase "ticker-type display," which may have caused some confusion. Applicants respectfully that the recitation of a "ticker-type display" is definite.

For these reasons, Applicants respectfully request reconsideration and allowance of Claims 1, 8, 14 and 32.

Section 103 Rejections

The Examiner rejects Claims 1, 2, 4-6, 8-30, and 32-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,968,179 issued to De Vries ("*De Vries*"). The Examiner also rejects Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over *De Vries* in view of U.S. Publication No. 2003/0004743 issued to Callegari ("*Callegari*").

Independent Claim 1 of the present application, as amended, recites the following limitations:

A method of providing presence information, wherein a first instant messaging user possesses a wireless device while at a location of a business, comprising:

storing business information identifying said business in a business client system device and retrieving said business information;

transmitting all or part of said business information as presence information, including physical location information of said business, to said wireless device of said first instant messaging user, wherein said physical location information of said business that is transmitted to said wireless device comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites;

whereby said presence information is received by said wireless device of said first instant messaging user in response to a single action performed by said first instant messaging user; and

storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users.

Applicants respectfully submit that *De Vries* does not disclose, teach or suggest each and every one of these limitations. For example, the Office Action notes that *De Vries* may not teach that “said physical location information of said business that is transmitted to said wireless device comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.” However, the Office Action asserts that this limitation is non-functional descriptive material and that it is not functionally involved in the method steps.

Applicants respectfully disagree. The claim requires that this particular type of information be transmitted to the wireless device of the claims. According to the Office Action’s logic, if a claim recites that element A transmit X to element B, then X is irrelevant and the claim limitation would be met by a disclosure of element A transmitting *anything* to element B. Applicants submit that such an argument is not consistent with the law, patent rules, or the M.P.E.P. As such, this limitation should be considered as limiting the claim. Furthermore, the Office Action does not give a motivation found in the prior art to modify *De Vries* to teach the transmission of the types of physical location information as claimed.

Moreover, *De Vries* does not disclose, teach or suggest “storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users.” This claim limitation was added to Claim 1 from canceled Claim 19. The Office Action’s rejection of Claim 19 asserts that “De Vries teaches storing a name database.” Applicants respectfully submit that this is not a disclosure or suggestion of “storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users.”

For at least these reasons, Applicants respectfully submit that Claim 1 is in condition for allowance. Therefore, Applicants respectfully request reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1. Furthermore, independent Claim 32 includes limitations that are similar to those limitations of Claim 1 discussed above, and thus is allowable for similar reasons. Therefore, Applicants also respectfully request reconsideration and allowance of Claim 32, as well as the claims that depend from Claim 32.

Independent Claim 21 of the present application, as amended, recites the following limitations:

- A business client system for sending presence information with advertisement to a wireless instant messaging user, comprising:
 - a storage component for storing business information of said business,
 - a statistics component to receive and store statistic reports on activity of said instant messaging user in selecting said business information of said business, wherein said statistic reports are received from an instant messaging server of an instant messaging service; and wherein said statistic reports comprise information for business analysis and measurement of a marketing success of said transmitted business information, and
 - a business client device further comprising:
 - a wireless communication component for transmitting and receiving data using a wireless protocol; and
 - a transmitting component to transmit said business information to said wireless instant messaging user,
- whereby presence information, including physical location information of said business, for said wireless instant messaging user is updated, wherein said physical location information of said business comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.

Applicants respectfully submit that *De Vries* does not disclose, teach or suggest each and every one of these limitations. For example, there is no disclosure of “a statistics component to receive and store statistic reports on activity of said instant messaging user in selecting said business information of said business, wherein said statistic reports are received from an instant messaging server of an instant messaging service; and wherein said statistic reports comprise information for business analysis and measurement of a marketing success of said transmitted business information.” This quoted claim language includes language from Claim 21 as it stood when the Office Action was mailed and as it has been amended to include the limitations of Claims 25 and 27. For a teaching of this limitation (as it existed previously in Claim 21), the Office Action cited to Column 11, lines 53-54 of *De Vries*. However, whether a user is a “coffee drinker or a vegetarian” is determined in *De Vries* by the profile or preferences that are specified by the user, it is not disclosed as being based on “statistic reports on activity of said instant messaging user in selecting said business information of said business.” Furthermore, there is no disclosure that statistic reports are received from an instant messaging server or that they comprise information for business analysis and measurement of a marketing success of said transmitted business information. The Office Action does not address these particular limitations, which were included in Claim 21 from canceled Claims 25 and 27.

Furthermore, for the same reasons as discussed above in conjunction with Claim 1, *De Vries* does not disclose, teach or suggest that “physical location information of said business comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.”

For at least these reasons, Applicants respectfully submit that Claim 21 is in condition for allowance. Therefore, Applicants respectfully request reconsideration and allowance of Claim 21, as well as the claims that depend from Claim 21.

Independent Claim 28 of the present application, as amended, recites the following limitations:

A method of advertising comprising:
sending presence information, including physical location information of a business, to a visiting instant messaging user who visits said business and to one or more instant messaging users who list said visiting instant messaging user on an instant messaging address list, wherein said physical location information of said business that is sent to said visiting instant messaging user comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites; and
displaying part of said presence information to said visiting instant messaging user and to said one or more instant messenger users;
wherein said part of said presence information includes a link to advertisements for said business.

Applicants respectfully submit that *De Vries* does not disclose, teach or suggest each and every one of these limitations. For example, there is no disclosure of “sending presence information, including physical location information, to a visiting instant messaging user who visits a business *and to one or more instant messaging users who list said visiting instant messaging user on an instant messaging address list.*” The Office Action cites to Column 7, line 44 – Column 8, line 5 for a teaching of this limitation. However, this passage does not describe sending physical location information *of a business* to *both* an instant messaging user who visits the business and to one or more “buddies” of the visiting instant messaging user.

Furthermore, for the same reasons as discussed above in conjunction with Claim 1, *De Vries* does not disclose, teach or suggest that “physical location information of said business that is sent to said visiting instant messaging user comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.”

For at least these reasons, Applicants respectfully submit that Claim 28 is in condition for allowance. Therefore, Applicants respectfully request reconsideration and allowance of Claim 28, as well as the claims that depend from Claim 28.

Alternative Claim Rejections - Section 102 Rejection

The Examiner rejects Claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,587,835 issued to Treyz ("*Treyz*").

Applicants respectfully submit that *Treyz* does not disclose at least “storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users,” as recited by amended Claim 1. For at least this reason, Applicants respectfully request reconsideration and allowance of Claim 1.

CONCLUSION

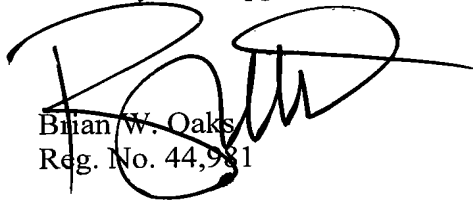
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

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Respectfully submitted,

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